

**University of Virginia -- Office of State Governmental Relations
LAW REPORT**

April 29, 2010

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HB7 Higher Education, Council of; duties.

Chief Patron: Tata

Summary:

Provides that when performing its duty to develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties, the Council may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

Law Advice: FYI - No Direct Impact

HB10 Individual health insurance coverage; resident of State not required to obtain, etc., policy.

Chief Patron: Marshall, R.G.

Summary:

Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program.

Law Advice: FYI - No Direct Impact

Identical to SB283, SB311, SB417.

HB11 Health care services; peer utilization reviews on reconsideration of an adverse decision.

Chief Patron: Marshall, R.G.

Summary:

Clarifies that a health care provider may seek reconsideration or appeal of an adverse health care utilization review decision, and that written notification of an adverse decision must include instructions for requesting reconsideration or an appeal. This bill also provides that when a treating provider requests a peer review of an adverse decision during the reconsideration process, the request for reconsideration shall be vacated and the request shall be considered a request for an appeal, and that in any case under appeal, the case shall be reviewed by a peer of the health care provider proposing the treatment at issue who shall be board certified in the same or similar specialty as the treating health care provider. This bill contains a delayed enactment clause, and shall not become effective until October 1, 2010.

Law Advice: Change in Requirement

Delayed effective date: October 1, 2010.

HB48 Debt Capacity Advisory Committee; adds State Comptroller and Staff Directors to membership.

Chief Patron: Lingamfelter

Summary:

Adds the State Comptroller, and the Staff Directors of the House Committee on Appropriations and Senate Committee

on Finance as members of the Debt Capacity Advisory Committee.

Law Advice: FYI - No Direct Impact

HB85 Umbilical cord blood education; Commissioner of Health to develop and post information on website.

Chief Patron: Marshall, R.G.

Summary:

Requires the Commissioner of Health to make information relating to umbilical cord blood developed by the Parent's Guide to Cord Blood Foundation available to the public on a website maintained by the Department of Health. This bill also requires health care practitioners who provide prenatal care to make information about umbilical cord blood available to every pregnant patient prior to the beginning of the patient's third trimester of pregnancy or at the time of the patient's first visit, whichever is later.

Law Advice: New Requirement

HB116 Mail order pharmacy; insurer not limited to a single provider for services.

Companion Bill: SB535

Chief Patron: Purkey

Summary:

Authorizes accident and sickness insurers proposing to issue preferred provider policies or contracts, health maintenance organizations, corporations providing preferred provider subscription contracts, and health care plans for state employees to select a single mail order pharmacy provider as an exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. SB 535 is identical.

Law Advice: FYI - No Direct Impact

HB143 Practitioner self-referral; clarifies those that may make a referral.

Chief Patron: O'Bannon

Summary:

Clarifies when a health care practitioner may make a referral to an entity in which he or an immediate family member is an investor.

Law Advice: Change in Authority

HB153 Physical therapy; advertising prohibited if not a licensed physical therapist or assistant.

Companion Bill: SB195

Chief Patron: O'Bannon

Summary:

Provides that no person shall advertise services using the words "physical therapy" or "physiotherapy" unless those services are provided by a physical therapist or physical therapist assistant, and establishes a process for reporting possible violations. This bill is identical to SB 195.

Law Advice: New Requirement

HB173 Influenza vaccine; certified emergency medical services personnel may administer and dispense.

Companion Bill: SB328

Chief Patron: Pogge

Summary:

Allows emergency medical services providers to administer vaccines to adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause. This bill is identical to SB 328.

Law Advice: Change in Authority

Effective when approved by the Governor on March 29, 2010.

HB193 Aerospace Advisory Council; removes July 1, 2010 sunset provision.

Chief Patron: Cosgrove

Summary:

Removes the sunset provision, thereby making the Aerospace Advisory Council a permanent council.

Law Advice: FYI - No Direct Impact

Similar provisions to HB676 and SB23.

HB211 Freedom of Information Act; definition of scholastic record.

Chief Patron: Bulova

Summary:

Includes in the definition of scholastic records, those records of an applicant for admission that are maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

Law Advice: Change in Requirement

Effective when approved by the Governor on April 13, 2010.

HB248 Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.

Companion Bill: SB65

Chief Patron: Kilgore

Summary:

Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court. This bill is identical to SB 65.

Law Advice: Change in Authority

HB258 Individual health insurance coverage; expands scope of who is eligible.

Chief Patron: McClellan

Summary:

Expands the scope of who is an eligible person for purposes of guaranteed availability of individual health insurance coverage regardless of health status to include persons whose most recent prior creditable coverage was under the Commonwealth's Medicaid plan.

Law Advice: FYI - No Direct Impact

HB267 Advance Health Care Directive Registry; notification to physicians.

Chief Patron: Englin

Summary:

Eliminates the requirement that an advance directive or revocation of an advance directive be notarized before being submitted to the Advance Health Care Directive Registry. This provision will not go into effect until the Advance Health Care Directive Registry is created. This bill also requires the Commissioner of Health to work together with the Department for the Aging, Department of Health Professions, Bureau of Insurance, Virginia State Bar and other stakeholders to develop and implement a plan for informing the public about the availability of the Advance Health Care Directive Registry. This bill contains an emergency clause.

Law Advice: FYI - No Direct Impact

Effective when approved by the Governor on March 1, 2010.

HB286 Schedule VI prescriptions; allows practitioner to prescribe if there is an urgency for treatment.

Chief Patron: Dance

Summary:

Authorizes a health care practitioner to prescribe Schedule VI antibiotics and antiviral agents to a person in close contact with a diagnosed patient of the practitioner without first conducting a physical examination of the person when the practitioner has a bona fide practitioner-patient relationship with the diagnosed patient, the practitioner meets all requirements for a bona fide practitioner-patient relationship with the person in close contact with the diagnosed patient other than the requirement for a physical examination, the practitioner believes that there is urgency to begin treatment to prevent transmission of a communicable disease, and emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

Law Advice: New Authority

HB326 Mercury thermostats; Waste Management Board to adopt regulations to encourage recycling.

Chief Patron: Plum

Summary:

Requires the Virginia Waste Management Board to adopt regulations to encourage the recycling of thermostats containing mercury. The bill also authorizes localities to prohibit the disposal of mercury thermostats in any privately

operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction. Currently, a similar program exists for the recycling of cathode ray tubes.

Law Advice: New Requirement

HB352 Group life insurance coverage; extended to persons mutually agreed upon by insurer and policyholder.

Companion Bill: SB465

Chief Patron: Rust

Summary:

Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. SB 465 is identical.

Law Advice: New Authority

HB411 Shaken baby syndrome; Department of Social Services to develop information, its effect, etc.

Chief Patron: Oder

Summary:

Requires the Department of Social Services to make information about shaken baby syndrome, its effects, and resources for help and support for caretakers available in a printable format, and information about how to acquire such information in an audiovisual format, available on a website maintained by the Department, and to inform every child welfare program licensed by the Department about the available information. This bill also provides that information about shaken baby syndrome shall be made available to foster and adoptive parents, and staff of child day programs and children's residential facilities.

Law Advice: FYI - No Direct Impact

HB433 Government Data Collection and Dissemination Practices Act; collection of social security numbers.

Chief Patron: Griffith

Summary:

Sets out the original date (January 1, 1975) when social security numbers were authorized to be collected/required by state and local agencies under federal law, which is a recommendation of the Freedom of Information Advisory Council. The bill also provides that nothing shall be construed to prohibit the collection of a social security number for the sole purpose of debt collection by state and local agencies.

Law Advice: FYI - No Direct Impact

HB434 Freedom of Information Act; exemption for credit card and bank account data.

Chief Patron: Griffith

Summary:

Exempts from the mandatory disclosure provisions of the Freedom of Information Act those portions of records that

contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. The bill provides, however, that access shall not be denied to the person who is the subject of the record. The bill defines "financial institution" and contains an emergency clause. The bill is a recommendation of the Freedom of Information Advisory Council.

Law Advice: Change in Requirement

Effective when approved by the Governor on April 11, 2010.

HB444 Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions.

Chief Patron: Toscano

Summary:

Provides an exception to the conflict of interests rules, under certain circumstances, where an officer or employee whose personal interest in a contract with a public institution of higher education is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such an ownership interest and income from the contracting firm is in excess of \$10,000. Currently the exception is limited to an employee or officer's personal interest in such contract by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity.

Law Advice: Change in Authority

U.Va. proposed legislation.

HB448 Virginia Life, Accident & Sickness Insurance Guaranty Association; coverage for policies & contracts.

Chief Patron: Ware, R.L.

Summary:

Updates and expands the scope of the Virginia Life, Accident and Sickness Insurance Guaranty Association. The Association provides a system for the protection of policy owners, annuitants, and other persons against failure in an insurer's performance of its contractual obligations under life and accident and sickness insurance policies and annuity contracts as a result of the insurer's impairment or insolvency. HB 574 is incorporated.

Law Advice: FYI - No Direct Impact

HB485 Governor; shall initiate an operational and programmatic performance review of state agencies.

Chief Patron: Lingamfelter

Summary:

Directs the Governor to initiate on July 1, 2010, an operational and programmatic performance review of (i) the agencies under the Secretary of Health and Human Resources and the Secretary of Public Safety, (ii) the Department of Education, including primary and secondary education funded by the Commonwealth, and (iii) any other department, agency, or program of the Commonwealth in the executive branch of state government that the Governor deems necessary to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review shall be concluded by December 1, 2011. The review shall be conducted by a private management consulting firm. The goal of the review is to effect savings in expenditures, a

reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review would be conducted only pursuant to a fixed price contract.

Law Advice: Monitor and Track

HB505 Concealed handguns; prohibits person carrying onto premises of restaurants from consuming alcohol.

Companion Bill: SB334

Chief Patron: Gilbert

Summary:

Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to SB 334.

Law Advice: Change in Requirement

HB514 Long-term services; SHHR develop blueprint for livable communities for people with disabilities.

Companion Bill: SB410

Chief Patron: Rust

Summary:

Provides for the Secretary of Health and Human Resources to coordinate the development of a blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. In addition, the bill amends provisions relating to the development by the Department for the Aging of a four-year plan for aging services. The bill also repeals the authority for Campbell County to contract with the Area Agency on Aging designated to serve the County to provide certain services specified by federal law. This bill is identical to SB410 (Vogel).

Law Advice: FYI - No Direct Impact

HB518 Freedom of Information Act; public body shall remain responsible for retrieving public records, etc.

Chief Patron: Rust

Summary:

Provides that in the event a public body transferred possession of public records for storage, maintenance or archiving, the public body initiating the transfer shall remain the custodian of the records for the purpose of responding to FOIA requests. The bill also adds a definition of "criminal investigative file" and clarifies what records are exempt from FOIA as so defined. The bill provides that undercover operations and protective detail records as well as records of background and internal affairs investigations held by any state or local law-enforcement agencies are exempt from the mandatory disclosure provisions of FOIA.

Law Advice: Change in Requirement

HB560 Retirement System; changes to sickness and disability plan.

Chief Patron: Tata

Summary:

Codifies provisions of the Appropriation Act making changes to the sickness and disability program that, among other things, create a one-year waiting period and a different benefit structure for new employees, and amends various provisions of the current plan.

Law Advice: FYI - No Direct Impact

Codifies language previously included in the budget.

HB561 Retirement System; optional life insurance.

Chief Patron: Tata

Summary:

Modifies the optional life insurance plan by (i) deleting the specific maximum amount of coverage, and replacing it with language clarifying that the maximum amount is set by the Board of Trustees of the Virginia Retirement System, and (ii) clarifying the difference in benefits for an employee who has been on leave without pay while serving in the military.

Law Advice: Change in Authority

HB562 Retirement System; retirement supplement.

Chief Patron: Tata

Summary:

Clarifies that the allowance supplement that is indexed to inflation will not reduce the allowance when there is deflation, and corrects how COLA adjustments should be calculated following a period of deflation. The bill also makes some technical changes.

Law Advice: Change in Requirement

HB587 Pharmacists; supervision of pharmacy technicians.

Chief Patron: Landes

Summary:

Allows the Board of Pharmacy to set in regulations the maximum number of pharmacy technicians that a pharmacist may supervise.

Law Advice: Change in Requirement

HB619 Erosion and sediment control; may assess civil penalty.

Chief Patron: Orrock

Summary:

Removes the specific authority of a locality to impose a \$1,000 civil penalty on a person who engages in a land-disturbing activity without having an approved plan. Instead, any violation of any erosion and sediment control regulation or order of the Virginia Soil and Water Conservation Board, any provision of a local program, or any

condition of a permit will be subject to a civil penalty of \$100 to \$1,000.

Law Advice: FYI - No Direct Impact

HB633 Conflict of Interests Act; prohibited conduct relating to contracts, exceptions.

Chief Patron: Scott, E.T.

Summary:

Provides that a conflict exists where there is employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household and one such person is employed in a direct supervisory or administrative position, or both, with respect to his spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more. Currently, such amount is \$22,500.

Law Advice: Change in Authority

HB662 Health professions; disciplinary actions.

Chief Patron: Morrissey

Summary:

Amends the disciplinary authority of the Department of Health Professions and its regulatory boards to (i) authorize the boards to accept the surrender of a license in lieu of disciplinary action, (ii) authorize a panel of a board to consider the recommendation of an agency subordinate, (iii) conform the prohibition on licensure reinstatement to the Nurse Licensure Compact, and (iv) allow the Department to immediately suspend a license in response to disciplinary action or felony convictions in any jurisdiction, or in response to license surrender in lieu of disciplinary action.

Law Advice: FYI - No Direct Impact

HB676 Aerospace Advisory Council; adds five members, powers and duties.

Companion Bill: SB23

Chief Patron: May

Summary:

Removes the sunset on the Aerospace Advisory Council and adds five nonlegislative citizen members to the Council. In addition to advising the Governor, the Council shall advise the Joint Commission on Technology and Science, and the Secretaries of Technology, Commerce and Trade, and Education, on policy and funding priorities with respect to aerospace development, workforce training, and educational programs and curriculum. Staffing for the Council is provided by the Department of Aviation, with the Division of Legislative Services providing additional staff support to legislative members serving on the Council. Nonlegislative citizen members serve without compensation. This bill is identical to SB 23 (Locke).

Law Advice: FYI - No Direct Impact

Similar provisions to HB193.

HB677 Specialized Biotechnology Research Performance Grant Program; established.

Companion Bill: SB644

Chief Patron: May

Summary:

Establishes the Specialized Biotechnology Research Performance Grant Program for nonprofit entities engaged in research, development, and production related to molecular diagnostics and drug development that enter into a performance-based memorandum of understanding with the Commonwealth prior to June 30, 2010. Grants would be paid to an eligible entity based in Fairfax County that commits in the memorandum of understanding and fulfills its obligation to (i) make a new capital investment of at least \$200 million, (ii) create at least 415 new full-time jobs, and (iii) meet any other criteria set forth in the memorandum of understanding. Grants from the program to a qualified entity shall not exceed \$22 million in the aggregate.

Law Advice: FYI - No Direct Impact

HB706 General Assembly deadlines; computation of time.

Chief Patron: Peace

Summary:

Provides that when an act of the General Assembly or local governing body, order of the court, or administrative regulation or order requires an action to be completed or taken on a Saturday, Sunday, legal holiday, or any day or part of a day on which the state or local government office is closed, the act may be performed or the action may be taken on the next business day that is not a Saturday, Sunday, legal holiday, or day when the state or local government office is closed.

Law Advice: FYI - No Direct Impact

HB710 Health care data and reporting; increase awareness thereof through nonprofit organization websites.

Chief Patron: Peace

Summary:

Requires the Department of Health to take steps to increase public awareness of data and information related to health care quality that is available through a website maintained by a nonprofit organization with which the Department has entered into a contract, and to provide guidance regarding how such data and information can be used to inform decisions about health care providers and services.

Law Advice: FYI - No Direct Impact

HB723 Podiatry; testifying as an expert witness, definition of practice.

Companion Bill: SB82

Chief Patron: Peace

Summary:

Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle. The bill also provides that a podiatrist shall not be permitted to testify as an expert witness against a doctor or osteopath where such doctor or osteopath is a defendant in a medical malpractice case or medical malpractice review panel proceeding. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 82.

Law Advice: FYI - No Direct Impact

Effective when approved by the Governor on April 13, 2010.

HB725 Polysomnographic Technology, Advisory Board on; established.

Chief Patron: Peace

Summary:

Provides that no person shall practice as a polysomnographic technologist or assume the title "licensed polysomnographic technologist," "polysomnographic technologist," or "licensed sleep tech" unless such person is licensed by the Board of Medicine. This bill also creates the Advisory Board on Polysomnographic Technology to assist the Board in establishing the qualifications, examination, and other requirements for the regulation of licensed polysomnographic technologists.

Law Advice: FYI - No Direct Impact

HB729 Involuntary admission; allows court to enter an order for mandatory outpatient treatment following.

Companion Bill: SB360

Chief Patron: Albo

Summary:

Allows a court to enter an order for mandatory outpatient treatment following involuntary inpatient treatment, which orders a person to involuntary inpatient treatment and authorizes the person's treating physician to discharge the patient from inpatient treatment subject to mandatory outpatient treatment. To be eligible for such an order, the person must meet the criteria for involuntary inpatient treatment as well as demonstrate (i) a lack of compliance with treatment for mental illness, (ii) the need for outpatient treatment to prevent a relapse or deterioration that would likely result in his meeting the criteria for inpatient treatment, (iii) that the person is not likely to obtain outpatient treatment unless the court enters the order, and (iv) that the person is likely to benefit from outpatient treatment. Additionally, services must actually be available in the community and providers of services must have actually agreed to deliver the services. The bill also sets forth how orders for mandatory outpatient treatment following inpatient treatment will be enforced, reviewed, continued, and rescinded. This bill is identical to SB 360.

Law Advice: New Requirement

HB733 Medicaid fraud; Director may deny Medicaid provider contracts for violation of statutes.

Chief Patron: Albo

Summary:

Provides that a person will be guilty of Medicaid fraud and therefore punishable for causing certain acts, in addition to knowingly and willfully engaging in such acts. The bill also provides that the Director of the Department of Medical Assistance Services may terminate or deny Medicaid provider contracts for a violation of statutes setting forth the crimes constituting Medicaid fraud or any other felony, or for any other reason for which the U.S Secretary of Health and Human Services may do the same. The bill also requires the Director of the Department of Medical Assistance Services to investigate options for a comprehensive system that utilizes external records search and analytic technologies for the collection and review of data from public and private sources, to detect, prevent and investigate fraud, waste and abuse in Virginia's medical assistance services program, and to report his findings by December 1,

2010.

Law Advice: FYI - No Direct Impact

HB737 E-Verify Program; requires state agencies and those newly hired to perform work in State.

Chief Patron: Albo

Summary:

Requires agencies of the Commonwealth to enroll in the E-Verify Program by December 1, 2012, and to use the Program for each newly hired employee who is to perform work within the Commonwealth.

Law Advice: New Requirement

HB741 Telephone email or texting; use of indecent or threatening language, penalty.

Chief Patron: Cleaveland

Summary:

Provides that any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person when any electronically transmitted message is received or transmitted by telephone is guilty of a Class 1 misdemeanor. Current law punishes such behavior when simply using a telephone or citizens band radio.

Law Advice: FYI - No Direct Impact

HB789 Public Procurement Act; increases cost of construction for which state or local public body may use.

Chief Patron: Villanueva

Summary:

Increases from \$1 million to \$1.5 million the cost of a construction contract for which a state or local public body may use competitive negotiation instead of competitive bidding to procure the construction.

Law Advice: FYI - No Direct Impact

Exempt from this section of the Virginia Public Procurement Act under restructuring.

HB831 Public Procurement Act; foreign & domestic businesses authorized to transact business in State.

Chief Patron: Surovell

Summary:

Requires all public bodies to include in every written contract a provision that the contractor must be authorized to transact business in Virginia as a domestic or foreign business entity as required by the State Corporation Commission, if such is required by law. Such status shall be maintained during the term of a contract. A contract entered into by a business in violation of the requirements is voidable at the option of the public body.

Law Advice: FYI - No Direct Impact

Exempt from the Virginia Public Procurement Act under restructuring.

HB866 Mutual aid agreements; includes private police forces of higher educational institutions.

Chief Patron: Cline

Summary:

Includes private police forces of institutions of higher learning in existing provisions that allow for mutual aid agreements for the joint use of police forces.

Law Advice: Change in Authority

HB885 Concealed weapons; person may carry a handgun in motor vehicle or vessel if secured in compartment.

Chief Patron: Athey

Summary:

Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is secured in a container or compartment.

Law Advice: FYI - No Direct Impact

Based on the existing policy on the Regulation of Firearms, Weapons and Destructive Devices, HB885 will have no direct impact on the University. Similar to SB408.

HB892 Retirement System; member with less than 5 years service can withdraw under certain circumstances.

Chief Patron: Barlow

Summary:

Requires a member of the Virginia Retirement System to be vested before being eligible to withdraw that portion of his accumulated contributions made by his employer on his behalf subsequent to July 1, 2010.

Law Advice: Change in Requirement

HB903 Threat assessment teams; exempts certain records established at higher educational institutions.

Companion Bill: SB207

Chief Patron: Bell, Robert B.

Summary:

Authorizes threat assessment teams to receive health and criminal history records of students for the purposes of assessment and intervention, and exempts records of threat assessment teams from the Freedom of Information Act. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available. This bill is identical to SB 207.

Law Advice: Change in Authority

U.Va. sponsored legislation.

HB928 Virginia Universities Clean Energy Development and Economic Stimulus Foundation; created.

Chief Patron: Bell, Robert B.

Summary:

Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse, and administer funding for (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this act.

Law Advice: New Requirement

HB944 Governor's reports; to provide monthly reports on revenue collections and quarterly assessments.

Chief Patron: Landes

Summary:

Codifies provisions in the Appropriation Act requiring the Governor to provide monthly reports on revenue collections and quarterly assessments of the Commonwealth's economic outlook. The bill also adds the Secretary of Finance as chair, the Staff Directors of the House Appropriations and Senate Finance Committees as members of the Advisory Board of Economists ("Board"), requires the Joint Rules Committee to appoint three of the 15 nonlegislative citizen members to the Board, and changes the Board's name to the Joint Advisory Board of Economists. Finally, the bill adds two members of the House of Delegates, appointed by the Speaker of the House, and two members of the Senate, appointed by the Chairman of the Senate Finance Committee, to the Advisory Council on Revenue Estimates and provides that the Governor shall be the Chairman of the Advisory Council.

Law Advice: FYI - No Direct Impact

HB953 Schedule II, III, IV, and V drugs; adds various controlled substances to list.

Chief Patron: Jones

Summary:

Adds tapentadol to Schedule II; boldione, desoxymethyltestosterone (madol), and 19-no4-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione) to Schedule III; fospropofol to Schedule IV; and lacosamide to Schedule V of the drug control act.

Law Advice: FYI - No Direct Impact

HB964 Schedule II drugs; pharmacist shall require identification in filling prescriptions.

Chief Patron: Lohr

Summary:

Provides that a pharmacist shall require proof of identity from any person seeking to fill a prescription for a Schedule

II drug before dispensing such drug and shall make a copy of such identification, unless the person seeking to fill the prescription is known to the pharmacist. This bill also provides that a pharmacist shall record the name and address of any person who seeks to fill a prescription for a Schedule II drug if the person is not the patient for whom the drug is prescribed, and that a pharmacist shall maintain records of names, addresses and, where required, copies of identification documents for at least one year. If such a prescription is delivered by mail, the delivery method employed must require the signature of the recipient as confirmation of receipt.

Law Advice: New Requirement

HB1028 Freedom of Information Act; recording of public meetings.

Chief Patron: Pollard

Summary:

Prohibits any public body from conducting a meeting required to be open in any building or facility where any recording devices are prohibited. The bill also clarifies that no public body may prohibit or prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open.

Law Advice: New Requirement

HB1034 Information Technology; Governor to appoint Chief Information Officer of VITA, etc.

Companion Bill: SB236

Chief Patron: Byron

Summary:

Eliminates the Information Technology Investment Board (ITIB) and replaces it with the Information Technology Advisory Council (ITAC), which is established as a policy council under the Governor with the power and duty to advise the Chief Information Officer (CIO) and the Secretary of Technology. The ITAC is composed of 10 agency representatives from each Cabinet Secretary, the Secretary of Technology, the CIO, and no more than two citizens, all to be appointed by the Governor. The Secretary of Technology serves as chair and the CIO as vice chair. The bill requires the Secretary of Technology, in addition to existing duties, to develop criteria defining a "major information technology project" and, upon recommendation of the CIO, approve the procurement of such projects. The bill grants the Governor the power to appoint the Chief Information Officer (CIO), who shall serve as the head of the Virginia Information Technologies Agency (VITA). The CIO reports to the Secretary of Technology and is responsible, through his role as head of VITA, for planning, developing, and procuring enterprise applications and infrastructure services. The CIO is also responsible for planning, developing, and soliciting contracts for major information technology projects. The CIO may enter such contracts only upon approval of the Secretary of Technology. The CIO may suspend a major information technology project but such project may only be terminated by the Secretary of Technology. This bill contains additional substantive changes to information technology governance in the Commonwealth as well as numerous technical changes. This bill incorporates HB 1035 and contains an emergency clause. This bill is also identical to SB 236.

Law Advice: FYI - No Direct Impact

Effective when approved by the Governor on March 11, 2010.

HB1036 Security for Public Deposits Act; makes several amendments to Act, administered by Treasury Board.

Companion Bill: SB456

Chief Patron: Byron

Summary:

Establishes requirements for banks and savings institutions authorized by the Treasury Board to hold public deposits under the Virginia Security for Public Deposits Act. Qualified public depositories are required to secure deposits either by the pooled method or the dedicated method, and to deposit with a qualified escrow agent eligible collateral that equals or exceeds the required collateral. The measure establishes the procedure for the Treasury Board to recover funds to reimburse public depositors for uninsured public deposits when a qualified public depository is determined to be in default or insolvent. The measure also clarifies that public deposits secured under the Act shall be deposited in a qualified public depository, makes terminology consistent, and clarifies reporting requirements. SB 456 is identical.

Law Advice: New Requirement

HB1039 Medical information; notification to residents, etc., if information is subject of database breach.

Chief Patron: Byron

Summary:

Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or health insurance information is the subject of a database breach. The notification required by this section would apply only to state and local government entities. This bill would become effective January 1, 2011. This bill incorporates HB 525.

Law Advice: New Requirement

Delayed effective date: January 1, 2011.

HB1066 Higher Education, State Council of; develop uniform certificate of general studies program.

Chief Patron: Athey

Summary:

Requires the development of a uniform certificate of general studies program by the State Council of Higher Education for Virginia, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at each community college in Virginia. The program must ensure that a community college student who completes the one-year certificate program may transfer all credits to a four-year public institution of higher education in the Commonwealth, upon acceptance to the institution.

Law Advice: New Requirement

HB1073 Tobacco Indemnification & Community Revitalization Commission; proprietary record disclosed thereto.

Chief Patron: Kilgore

Summary:

Excludes from the mandatory disclosure provisions of FOIA trade secrets and certain proprietary records disclosed to, provided to, or held by the Virginia Tobacco Indemnification and Community Revitalization Commission in support of or as may be required for an application for or the awarding of a grant. The exclusion provided by this subdivision

shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission. The bill requires the grant applicant to specify the records for which protection is sought before submitting them to the Commission. The bill contains a corresponding meeting exemption for the Commission when discussing the excluded records.

Law Advice: FYI - No Direct Impact

HB1095 Individual health insurance coverage; sets parameters of period an individual is not covered.

Chief Patron: Sickles

Summary:

Sets the parameters of the period an individual is not covered by health insurance as beginning the day after an individual's termination of coverage and ending when an application for coverage is submitted. When an application is submitted by mail, the date of the postmark is the date the application is submitted.

Law Advice: FYI - No Direct Impact

HB1162 Fire Prevention Code, Statewide; pyrotechnician or fireworks operator must be certified.

Companion Bill: SB8

Chief Patron: Cosgrove

Summary:

Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, (iii) provides clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification. The bill is identical to SB 8.

Law Advice: New Requirement

HB1166 Controlled substances; unlawfully obtaining or attempting to obtain, report required.

Chief Patron: Phillips

Summary:

Provides that any person authorized to prescribe, dispense, or administer controlled substances pursuant to § 54.1-3408 who has reason to suspect that a person has obtained or attempted to obtain a controlled substance or prescription for a controlled substance by fraud or deceit may report the activity to the local law-enforcement agency for investigation. Any person who, in good faith, makes a report or furnishes information or records to a law-enforcement officer or entity pursuant to this section shall not be liable for civil damages in connection with making such report or furnishing such information or records.

Law Advice: New Requirement

HB1189 Retirement System; modifies for new employees all defined benefit retirement plans.

Companion Bill: SB232

Chief Patron: Putney

Summary:

Modifies for new employees, all the defined benefit retirement plans administered by the Virginia Retirement System ("VRS"), as follows: (i) requires employees to contribute five percent of creditable compensation (only local employers would be allowed to pick up this contribution), (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost, and decreases the time in which employees may purchase certain prior service credits, and (iv) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements ("COLA") from three percent plus one-half of the next four percent to two percent plus one-half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in an optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may provide an additional contribution up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute five percent of salary. In addition to these modifications, for new state and local employees covered under the main defined benefit plan, (i.e. excluding the separate plans for state and local law enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. (The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years of creditable service.) Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term.

Law Advice: Change in Requirement

HB1220 Stormwater management regulations; changes effective date that establishes local program criteria.

Companion Bill: SB395

Chief Patron: Hugo

Summary:

Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates HB 1311 and HB 155. This bill is identical to SB 395.

Law Advice: Change in Requirement

HB1227 Brown v. Board of Education Scholarship Program; those awarded may be used to cover certain costs.

Chief Patron: Dance

Summary:

Provides that scholarships awarded through the Brown v. Board of Education Scholarship Program may be used to cover the costs of professional degree programs and mandatory fees. This bill also clarifies that awards may be granted for part-time or full-time attendance in approved education programs for no more than the minimum number of credit hours required to complete the program requirements. The bill makes certain clarifying technical amendments to facilitate the Committee's work. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

Law Advice: Change in Requirement

HB1230 Underground Utility Damage Prevention Act; sewer laterals.

Chief Patron: Ware, R.L.

Summary:

Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. The measure will become effective on January 1, 2011.

Law Advice: FYI - No Direct Impact

Delayed effective date: January 11, 2011.

HB1233 Virginia National Guard; if called to active duty by Governor, health care, etc., will continue.

Companion Bill: SB613

Chief Patron: Miller, P.J.

Summary:

Allows a member of the Virginia National Guard called to state active duty by the Governor to continue his health care coverage, at the member's expense. This bill is identical to SB 613.

Law Advice: New Requirement

HB1238 Higher educational institutions; crisis and emergency management.

Companion Bill: SB608

Chief Patron: Torian

Summary:

Requires the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency Management comprehension and understanding of the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. This bill is identical to SB 608 (Edwards).

Law Advice: New Requirement

HB1260 Uniform Statewide Building Code; buildings or structures built on state-owned property.

Chief Patron: Brink

Summary:

Provides that the Uniform Statewide Building Code shall also apply to buildings or structures built on state-owned property. The bill requires the Department of General Services to act as the building official for all buildings or structures built on state-owned property. The bill provides that the Building Code shall not apply to uninhabitable structures, equipment, or wiring owned by a public service company, a certificated provider of telecommunications services, or a franchised cable operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation Board.

Law Advice: Change in Requirement

Exempt under restructuring.

HB1263 Dentists and oral surgeons; reimbursement for certain services.

Companion Bill: SB622

Chief Patron: Ware, R.L.

Summary:

Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. SB 622 is identical.

Law Advice: FYI - No Direct Impact

HB1285 Certificate of public need; Department of Health to provide public notice.

Chief Patron: Orrock

Summary:

Clarifies the role of the Department of Health regarding public hearings, including public notification of a public hearing, for applications for certificates of public need in cases in which a regional health planning agency has not been designated.

Law Advice: FYI - No Direct Impact

HB1304 Virginia Workforce Development Authority; created.

Companion Bill: SB731

Chief Patron: Nutter

Summary:

Creates the Virginia Health Workforce Development Authority to take over the duties of the Statewide Area Health

Education Centers Program. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. Also exempts the Authority from the Virginia Personnel Act, the Virginia Public Procurement Act, and taxation. This bill is identical to SB731 (Reynolds).

Law Advice: FYI - No Direct Impact

HB1308 Investor-owned public utility; SCC to suspend enforcement of all proposed rates, toll, charges, etc.

Companion Bill: SB680

Chief Patron: Carrico

Summary:

Requires an investor-owned electric utility to suspend collection of interim rates during the pendency of the State Corporation Commission's consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility that are filed after January 1, 2010, the SCC's final order is required to be issued within nine months, and any resulting revision in rates shall take effect within 60 days after the order is entered. The provision will be in force from its passage. SB 680 is identical.

Law Advice: FYI - No Direct Impact

Effective when approved by the Governor on February 24, 2010.

HB1378 Medical Assistance Services, Department of; establishing pilot program for use of biometric data.

Chief Patron: Sickles

Summary:

Requires the Department of Medical Assistance Services to design and develop a plan for a pilot program for the use of biometric data to identify medical assistance services recipients and link services rendered to specific recipients, in order to (i) increase the quality of care provided to recipients of medical assistance services; (ii) improve the accuracy and efficiency in billing for medical assistance services by providers; and (iii) reduce the potential for identity theft and the unlawful use of recipients' identifying information.

Law Advice: FYI - No Direct Impact

HB1382 Law-enforcement officers; prohibits public disclosure of personal information on Internet.

Chief Patron: Bell, Robert B.

Summary:

Prohibits a state or local agency from publicly posting or displaying on the Internet the home address or personal telephone numbers of a law-enforcement officer if the officer has made a written demand that such information not be disclosed. The written demand must include a copy of a court order authorizing the state or locality to remove the information. The bill also clarifies that the publication of a person's primary residence address along with his name or photograph with the intent to coerce, intimidate, or harass is unlawful.

Law Advice: New Requirement

HB1388 Virtual school programs; established.

Companion Bill: SB738

Chief Patron: Bell, Richard P.

Summary:

Requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for approving and monitoring multi-division providers of online courses and virtual school programs. The bill also allows local school boards to enter into contracts with approved private or nonprofit organizations to provide such courses and programs; such contracts shall be exempt from the Virginia Public Procurement Act. Any multi-division online provider operating prior to the adoption of approval criteria by the Board may continue operating until such criteria are adopted. This bill is identical to SB 738.

Law Advice: FYI - No Direct Impact

HB1389 College Partnership Laboratory Schools; established.

Companion Bill: SB736

Chief Patron: Peace

Summary:

Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license. This bill is identical to SB 736.

Law Advice: New Authority

HB1390 Charter schools, public; review & consideration of application by Board of Education & school board.

Companion Bill: SB737

Chief Patron: Lingamfelter

Summary:

Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a determination as to whether the application meets approval criteria developed by the Board, prior to submission to the local school board. Also, the bill provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction. This bill is identical to SB 737 (Newman).

Law Advice: FYI - No Direct Impact

HJ27 Health care, indigent; Joint Commission on Health Care to study.

Chief Patron: Purkey

Summary:

Directs the Joint Commission on Health Care to (i) determine the volume of indigent health care provided by private, specialty, and not-for-profit hospitals in the Commonwealth; (ii) determine the financial cost of indigent health care to private, specialty, and not-for-profit hospitals in the Commonwealth; and (iii) identify and analyze potential tax and other incentives that may be offered to private and specialty hospitals and other health care providers to encourage the provision of care to indigent individuals.

Law Advice: Monitor and Track

HJ52 Hurricane Awareness and Preparedness Week; designating as last week of May 2010.

Chief Patron: Sherwood

Summary:

Designates the last week of May, in 2010 and in each succeeding year, as Hurricane Awareness and Preparedness Week in Virginia.

Law Advice: FYI - No Direct Impact

HJ56 Virginia Cancer Plan Action Coalition; requested to report changes to Governor, etc.

Chief Patron: Dance

Summary:

Requests the Virginia Cancer Plan Action Coalition to report on changes to the Virginia Cancer Plan to the Governor, the General Assembly, and the Joint Commission on Health Care in each year that changes are made to the Virginia Cancer Plan.

Law Advice: Monitor and Track

HJ127 Medicaid; JLARC to study program to identify opportunity to reduce waste, etc.

Chief Patron: Cox, M.K.

Summary:

Directs the Joint Legislative Audit and Review Commission to study the Commonwealth's Medical Assistance program to identify opportunities to reduce waste, inefficiency, fraud, and abuse.

Law Advice: Monitor and Track

HJ152 Commending the University of Virginia men's soccer team.

Chief Patron: Toscano

Summary:

Commending the University of Virginia men's soccer team.

Law Advice: FYI - No Direct Impact

HJ190 Teen Organ Donation Awareness Day; designating as April 9, 2010, and each succeeding year.

Chief Patron: Lohr

Summary:

Designates April 9, in 2010 and in each succeeding year, as Teen Organ Donation Awareness Day in Virginia to honor teen donors, educate teens on organ donation, and encourage organizations to embrace organ donation education.

Law Advice: FYI - No Direct Impact

HJ195 Lupus Awareness Month; designating as May 2010, and each succeeding year thereafter.

Chief Patron: Sickles

Summary:

Designates May, in 2010 and in each succeeding year, as Lupus Awareness Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ259 American Heart Month; designating as February 2010, and each succeeding year thereafter.

Chief Patron: Hope

Summary:

Designates the month of February, in 2010 and in each succeeding year, as American Heart Month in Virginia.

Law Advice: FYI - No Direct Impact

HJ263 Commending Leonard W. Sandridge.

Companion Bill: SJ193

Chief Patron: Bell, Robert B.

Summary:

Commending Leonard W. Sandridge.

Law Advice: FYI - No Direct Impact

HJ290 Commending John Thomas Casteen III.

Companion Bill: SJ191

Chief Patron: Toscano

Summary:

Commending John Thomas Casteen III.

Law Advice: FYI - No Direct Impact

HJ320 Commending Helen Dragas.

Chief Patron: Knight

Summary:

Commending Helen Dragas.

Law Advice: FYI - No Direct Impact

HJ341 Multiple Sclerosis Awareness Week; designating as second week of March 2010, & each year thereafter.

Chief Patron: O'Bannon

Summary:

Designates the second week of March, in 2010 and in each succeeding year, as Multiple Sclerosis Awareness Week in Virginia.

Law Advice: FYI - No Direct Impact

SB8 Fire Prevention Code, Statewide; pyrotechnician or fireworks operator must be certified.

Companion Bill: HB1162

Chief Patron: Blevins

Summary:

Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, setup, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, (iii) provides clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification. The bill is identical to HB 1162.

Law Advice: New Requirement

SB13 Critical care specialist; added to list of specialists who can determine when patient is brain dead.

Chief Patron: Howell

Summary:

Adds critical care specialists to the list of specialists who can make the determination of when a patient is brain dead.

Law Advice: Change in Requirement

SB23 Aerospace Advisory Council; powers and duties, membership.

Companion Bill: HB676

Chief Patron: Locke

Summary:

Removes the sunset on the Aerospace Advisory Council and adds five nonlegislative citizen members to the Council. In addition to advising the Governor, the Council shall advise the Joint Commission on Technology and Science, and the Secretaries of Technology, Commerce and Trade, and Education, on policy and funding priorities with respect to aerospace development, workforce training, and educational programs and curriculum. Staffing for the Council is provided by the Department of Aviation, with the Division of Legislative Services providing additional staff support

to legislative members serving on the Council. Nonlegislative citizen members serve without compensation. This bill is identical to HB 676 (May).

Law Advice: FYI - No Direct Impact

Similar provisions to HB193.

SB65 Psychiatric treatment; revises Psychiatric Inpatient Treatment of Minors Act.

Companion Bill: HB248

Chief Patron: Lucas

Summary:

Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court. This bill is identical to HB 248.

Law Advice: Change in Authority

SB82 Podiatry; testifying as an expert witness, definition of practice.

Companion Bill: HB723

Chief Patron: Howell

Summary:

Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle. The bill also provides that a podiatrist shall not be permitted to testify as an expert witness against a doctor or osteopath where such doctor or osteopath is a defendant in a medical malpractice case or medical malpractice review panel proceeding. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to HB 723.

Law Advice: FYI - No Direct Impact

Effective when approved by the Governor on April 13, 2010.

SB88 Criminal Injuries Compensation Fund; Worker's Compensation Commission to adopt rates for payment.

Chief Patron: Howell

Summary:

Requires health care providers who provide services under the Criminal Injuries Compensation Fund to negotiate with the Virginia Worker's Compensation Commission, which administers the Fund, to establish agreements relating to rates for payment of claims. The rates will discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

Law Advice: New Requirement

SB154 Inflationary effects; increasing various costs, fees, etc., penalties.

Chief Patron: Edwards

Summary:

Increases the amounts of various costs, potential attorney fee awards, potential damages, jurisdictional amounts, and other dollar-based provisions in the Virginia Code to account for the effect of inflation. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

Law Advice: FYI - No Direct Impact

SB163 Health savings accounts; exemption from creditors' claims.

Chief Patron: Edwards

Summary:

Exempts moneys paid into or out of, the assets of, and the income of a health savings account from creditor process. Such assets shall not be liable to attachment, garnishment, or other process and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of the participant or beneficiary of the account.

Law Advice: FYI - No Direct Impact

SB191 Privileged communications; exchanging health care-related information between committees, etc.

Chief Patron: Northam

Summary:

Provides that the exchange of privileged, health care-related information between committees, boards, groups, commissions, or other entities that function primarily to review, evaluate, or make recommendations regarding health care shall not constitute a waiver of privilege.

Law Advice: Change in Authority

SB193 Medicaid provider agreements; Director of Medical Assistance Services has authority to terminate.

Chief Patron: Northam

Summary:

Allows the Director of the Department of Medical Assistance Services to refuse to enter into or renew, or elect to terminate an existing provider agreement or contract for any of the reasons the U.S Secretary of Health and Human Services may do the same, and makes clear that in cases in which a contract or agreement is terminated, the provider shall be entitled to an appeal of the decision, and that the director may consider aggravating or mitigating factors in determining the period of exclusion when a contract is terminated. This bill also requires the promulgation of emergency regulations.

Law Advice: FYI - No Direct Impact

SB195 Physical therapy; advertising prohibited if not a licensed physical therapist or assistant.

Companion Bill: HB153

Chief Patron: Northam

Summary:

Provides that it shall be unlawful for any person to advertise or promote services as "physical therapy" or "physiotherapy" unless such services are provided by a licensed physical therapist or physical therapist assistant. This bill is identical to HB 153 (O'Bannon).

Law Advice: New Requirement

SB207 Threat assessment teams; exempts certain records established at higher educational institutions.

Companion Bill: HB903

Chief Patron: Edwards

Summary:

Authorizes threat assessment teams to receive health and criminal history records of students for the purposes of assessment and intervention, and exempts records of threat assessment teams from the Freedom of Information Act. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available. This bill is identical to HB 903.

Law Advice: New Authority

U.Va. sponsored legislation.

SB209 International Baccalaureate and Advanced Placement courses; course credit.

Chief Patron: Barker

Summary:

Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for International Baccalaureate and Advanced Placement courses. The governing boards must report to the State Council of Higher Education for Virginia the policy adopted and implemented, and make the policy available on the institution's website.

Law Advice: New Requirement

Policies must be reported to SCHEV and posted to the U.Va. website.

SB232 Retirement System; purchasing service at normal cost rate when person deemed member on July 1, 2010.

Companion Bill: HB1189

Chief Patron: Watkins

Summary:

Modifies for new employees, all the defined benefit retirement plans administered by the Virginia Retirement System ("VRS"), as follows: (i) requires employees to contribute five percent of creditable compensation (only local

employers would be allowed to pick up this contribution), (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost, and decreases the time in which employees may purchase certain prior service credits, and (iv) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements ("COLA") from three percent plus one-half of the next four percent to two percent plus one-half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in an optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may provide an additional contribution up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute five percent of salary. In addition to these modifications, for new state and local employees covered under the main defined benefit plan, (i.e. excluding the separate plans for state and local law-enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years of creditable service. Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term.

Law Advice: Change in Requirement

SB236 Information Technology; Governor to appoint Chief Information Officer of VITA, etc.

Companion Bill: HB1034

Chief Patron: Howell

Summary:

The bill eliminates the Information Technology Investment Board (ITIB) and replaces it with the Information Technology Advisory Council (ITAC), which is established as a policy council under the Governor with the power and duty to advise the Chief Information Officer (CIO) and the Secretary of Technology. The ITAC is composed of 10 agency representatives from each Cabinet Secretary, the Secretary of Technology, the CIO, and no more than two citizens, all to be appointed by the Governor. The Secretary of Technology serves as chair and the CIO as vice chair. The bill requires the Secretary of Technology, in addition to existing duties, to develop criteria defining a "major information technology project" and, upon recommendation of the CIO, approve the procurement of such projects. The bill grants the Governor the power to appoint the Chief Information Officer (CIO), who shall serve as the head of the Virginia Information Technologies Agency (VITA). The CIO reports to the Secretary of Technology and is responsible, through his role as head of VITA, for planning, developing, and procuring enterprise applications and infrastructure services. The CIO is also responsible for planning, developing, and soliciting contracts for major information technology projects. The CIO may enter such contracts only upon approval of the Secretary of Technology. The CIO may suspend a major information technology project but such project may only be terminated by the Secretary of Technology. This bill contains additional substantive changes to information technology governance in the Commonwealth as well as numerous technical changes. This bill incorporates SB 390 and SB 480 and contains an emergency clause. This bill is also identical to HB 1034.

Law Advice: FYI - No Direct Impact

Effective when approved by the Governor on March 11, 2010.

SB262 Aging, Department for; publicize guidelines on universal design and visitability features.

Chief Patron: Whipple

Summary:

Requires the Department for the Aging to publicize guidelines on universal design and visitability features to make structures and dwellings accessible for older Virginians and people who develop mobility impairment. The guidelines are also required to be disseminated to the public and posted on the Department's website.

Law Advice: FYI - No Direct Impact

SB272 Biodiesel or green diesel fuel; minimum content in state contracts for vehicle fuel.

Chief Patron: Whipple

Summary:

Requires the Department of General Services to establish the conditions under which state public bodies may procure diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel, for use in on-road internal combustion engines. The bill also permits any state public body to establish a pilot program to procure and use such biodiesel fuel or green diesel fuel.

Law Advice: New Requirement

SB275 Advance medical directives; clarifies authority.

Chief Patron: Whipple

Summary:

Clarifies authority of an advance directive in cases in which a person is subject to an emergency custody, temporary detention, involuntary admission, or mandatory outpatient treatment order; eliminates the requirement that a second physician or licensed clinical psychologist provide a written certification that a patient is incapable of making an informed decision in cases in which the patient is unconscious or experiencing a profound impairment of conscious function due to trauma, stroke, or other acute physiological condition; adds a provision authorizing a person who has exhibited special care and concern for a patient and is familiar with the patient's beliefs and values to make health care decisions on that patient's behalf if the patient is incapable of making an informed decision, except in cases in which the proposed treatment involves the withholding or withdrawing of a life-prolonging procedure; and clarifies the procedure regarding decisions made over a patient's protest. This bill also provides that a public guardian may authorize admission of an incapacitated person to a mental health facility in certain situations.

Law Advice: FYI - No Direct Impact

SB283 Individual health insurance coverage; resident of State shall not be required to obtain a policy.

Chief Patron: Quayle

Summary:

Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by

the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 311 and SB 417 are identical.

Law Advice: FYI - No Direct Impact

Identical to HB10, SB311, SB417.

SB311 Individual health insurance coverage; resident of State shall not be required to obtain a policy.

Chief Patron: Martin

Summary:

Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 283 and SB 417 are identical.

Law Advice: FYI - No Direct Impact

Identical to HB10, SB283, SB417.

SB328 Emergency medical technicians; certain are allowed to administer vaccines to adults and minors.

Companion Bill: HB173

Chief Patron: Stuart

Summary:

Allows emergency medical services providers to administer vaccines to adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause. This bill is identical to HB 173.

Law Advice: Change in Authority

SB334 Concealed handguns; prohibits person who carries into restaurant from consuming alcoholic beverage.

Companion Bill: HB505

Chief Patron: Hanger

Summary:

Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or

club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor. This bill is identical to HB 505.

Law Advice: New Requirement

SB349 Virginia National Guard, State Defense Force, or naval militia; reemployment rights of members.

Chief Patron: Hanger

Summary:

Extends the period in which a member of the Virginia National Guard, Virginia State Defense Force, or naval militia is required to apply for reinstatement in his former job to 90 days following his release from duty or from hospitalization following release, if the length of the member's absence by reason of service in the uniformed services exceeds 180 days. If the duration of his absence does not exceed 180 days, such notice must be given within 14 days, which is the current period allowed in all instances regardless of the duration of the absence. This notice period is consistent with that provided under the federal Uniformed Services Employment and Reemployment Rights Act for service members deployed for 181 days or longer.

Law Advice: Change in Requirement

SB350 Centennial of Woodrow Wilson's Presidency, Virginia Commission on; established.

Chief Patron: Hanger

Summary:

Establishes in the legislative branch of state government a commission charged with planning, developing, and implementing statewide appropriate programs and activities to commemorate the centennial of Woodrow Wilson's election and presidency from 1912 to 1921. The Commission will be composed of 11 members consisting of legislative and nonlegislative citizen members, and is authorized to appoint an advisory council to assist it with its work. The Advisory Council will be composed of persons who have knowledge and expertise concerning the life, scholarship, elections, and presidency of Woodrow Wilson, and the historical significance of his presidency on the American presidency, scholarship, international and domestic relations, and political and social systems. Members of the Advisory Council must be residents of Virginia and must agree to serve in a voluntary capacity without compensation or reimbursement. The work of the Commission shall not commence until private funding is secured. The Commission will expire on July 1, 2014.

Law Advice: FYI - No Direct Impact

Provides for appointment of Woodrow Willson scholar from the Miller Center.

SB360 Involuntary admission; court to enter an order for mandatory outpatient treatment.

Companion Bill: HB729

Chief Patron: Barker

Summary:

Allows a court to enter an order for mandatory outpatient treatment following involuntary inpatient treatment, which orders a person to involuntary inpatient treatment and authorizes the person's treating physician to discharge the patient from inpatient treatment subject to mandatory outpatient treatment. To be eligible for such an order, the person must meet the criteria for involuntary inpatient treatment as well as demonstrate (i) a lack of compliance with

treatment for mental illness, (ii) the need for outpatient treatment to prevent a relapse or deterioration that would likely result in his meeting the criteria for inpatient treatment, (iii) that the person is not likely to obtain outpatient treatment unless the court enters the order, and (iv) that the person is likely to benefit from outpatient treatment. Additionally, services must actually be available in the community and providers of services must have actually agreed to deliver the services. The bill also sets forth how orders for mandatory outpatient treatment following inpatient treatment will be enforced, reviewed, continued, and rescinded. This bill is identical to HB 729.

Law Advice: New Requirement

SB395 Stormwater management regulations; changes effective date that establishes local program criteria.

Companion Bill: HB1220

Chief Patron: Wagner

Summary:

Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill incorporates SB 677, SB 245, and SB 681. This bill is identical to HB 1220.

Law Advice: Change in Requirement

SB404 Clean special fuel vehicles; removes requirement that Commissioner provide written regulations.

Chief Patron: Petersen

Summary:

Removes requirement that the Commissioner provide written regulations before the Department of Motor Vehicles may issue government-use license plates for clean special fuel vehicles.

Law Advice: Eliminates Requirement

SB408 Concealed weapons; person may carry a handgun in motor vehicle or vessel if secured in compartment.

Chief Patron: Vogel

Summary:

Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is locked in a container or compartment.

Law Advice: FYI - No Direct Impact

Based on the existing policy on the Regulation of Firearms, Weapons and Destructive Devices, SB408 will have no direct impact on the University. Similar to HB885.

SB410 Long-term services; SHHR to develop blueprint for livable communities for people with disabilities.

Companion Bill: HB514

Chief Patron: Vogel

Summary:

Provides for the Secretary of Health and Human Resources to coordinate the development of a blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. In addition, the bill amends provisions relating to the development by the Department for the Aging of a four-year plan for aging services. The bill also repeals the authority for Campbell County to contract with the Area Agency on Aging designated to serve the County to provide certain services specified by federal law. This bill is identical to HB 514.

Law Advice: FYI - No Direct Impact

SB417 Individual health insurance coverage; resident of State shall not be required to obtain a policy.

Chief Patron: Vogel

Summary:

Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 283 and SB 311 are identical.

Law Advice: FYI - No Direct Impact

Identical to HB10, SB283, SB311.

SB431 Auditor of Public Accounts; post certain information on its Internet website, a searchable database.

Chief Patron: Herring

Summary:

Directs the Auditor of Public Accounts to include on a searchable database a register of all funds expended for major agencies of the Commonwealth. In regard to the registry, the database would include the vendor name, date of payment, and a description of the expense, including also credit card purchases with the same information. The bill also requires the Auditor of Public Accounts to conduct a review of searchable databases used by other states and incorporate best practices for ease of use and transparency of state agency expenditures.

Law Advice: FYI - No Direct Impact

SB432 Freedom of Information Act; record exemption for the Statewide Agencies Radio System (STARS).

Chief Patron: Edwards

Summary:

Provides an exemption from FOIA for documentation or other information that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system (similar communications system) (ii) relates to radio frequencies assigned to or utilized by STARS or similar communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or similar communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or similar communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of any person.

Law Advice: FYI - No Direct Impact

SB456 Security for Public Deposits Act; makes several amendments to Act, administered by Treasury Board.

Companion Bill: HB1036

Chief Patron: McEachin

Summary:

Establishes requirements for banks and savings institutions authorized by the Treasury Board to hold public deposits under the Virginia Security for Public Deposits Act. Qualified public depositories are required to secure deposits either by the pooled method or the dedicated method, and to deposit with a qualified escrow agent eligible collateral that equals or exceeds the required collateral. The measure establishes the procedure for the Treasury Board to recover funds to reimburse public depositors for uninsured public deposits when a qualified public depository is determined to be in default or insolvent. The measure also clarifies that public deposits secured under the Act shall be deposited in a qualified public depository, makes terminology consistent, and clarifies reporting requirements. HB 1036 is identical.

Law Advice: New Requirement

SB465 Group life insurance coverage; extended to persons mutually agreed upon by insurer and policyholder.

Companion Bill: HB352

Chief Patron: Howell

Summary:

Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group

member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. HB 352 is identical.

Law Advice: New Authority

SB535 Mail order pharmacy; insurer not limited to a single provider for services.

Companion Bill: HB116

Chief Patron: Newman

Summary:

Authorizes accident and sickness insurers proposing to issue preferred provider policies or contracts, health maintenance organizations, corporations providing preferred provider subscription contracts, and health care plans for state employees to select a single mail order pharmacy provider as an exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. HB 116 is identical.

Law Advice: FYI - No Direct Impact

SB549 Geospatial Health Research; Secretaries of Health and Human Resources and Technology to evaluate.

Chief Patron: Barker

Summary:

Requires the Secretaries of Health and Human Resources and Technology to evaluate opportunities to partner with nonprofit organizations and institutions of higher education in the Commonwealth to develop a network for geospatial health research, and to report on their findings to the Governor; the Senate Committees on Education and Health, Finance, and General Laws and Technology; and the House Committees on Appropriations, Health, Welfare, and Institutions, and Science and Technology no later than December 1, 2010.

Law Advice: FYI - No Direct Impact

SB555 Tobacco Indemnification & Community Revitalization Commission; excludes grant application records.

Chief Patron: Puckett

Summary:

Excludes from the mandatory disclosure provisions of FOIA trade secrets and certain proprietary records disclosed to, provided to, or held by the Virginia Tobacco Indemnification and Community Revitalization Commission in support of or as may be required for an application for or the awarding of a grant. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission. The bill requires the grant applicant to specify the records for which protection is sought before submitting them to the Commission. The bill contains a corresponding meeting exemption for the Commission when discussing the excluded records.

Law Advice: FYI - No Direct Impact

SB608 Higher educational institutions; annual review of crisis and emergency management plan.

Companion Bill: HB1238

Chief Patron: Edwards

Summary:

Requires the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency Management comprehension and understanding of the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. This bill is identical to HB 1238 (Torian).

Law Advice: New Requirement

SB613 Virginia National Guard; if called to active duty by Governor, health care, etc., will continue.

Companion Bill: HB1233

Chief Patron: Wampler

Summary:

Allows a member of the Virginia National Guard called to state active duty by the Governor to continue his health care coverage, at the member's expense. This bill is identical to HB 1233.

Law Advice: New Requirement

SB622 Dentists and oral surgeons; reimbursement for certain services.

Companion Bill: HB1263

Chief Patron: Wampler

Summary:

Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. HB 1263 is identical.

Law Advice: FYI - No Direct Impact

SB644 Specialized Biotechnology Research Performance Grant Program; established.

Companion Bill: HB677

Chief Patron: Howell

Summary:

Establishes the Specialized Biotechnology Research Performance Grant Program for nonprofit entities engaged in research, development, and production related to molecular diagnostics and drug development that enter into a performance-based memorandum of understanding with the Commonwealth prior to June 30, 2010. Grants would be paid to an eligible entity based in Fairfax County that commits in the memorandum of understanding and fulfills its obligation to (i) make a new capital investment of at least \$200 million, (ii) create at least 415 new full-time jobs, and

(iii) meet any other criteria set forth in the memorandum of understanding. Grants from the program to a qualified entity shall not exceed \$22 million in the aggregate.

Law Advice: FYI - No Direct Impact

SB675 Health insurance; mandated coverage for telemedicine services.

Chief Patron: Wampler

Summary:

Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of such health care services provided through telemedicine services. "Telemedicine services" means the use of interactive audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Utilization review may be undertaken to determine the appropriateness of telemedicine services.

Law Advice: New Requirement

SB680 Electric utility regulation; SCC to regulate rate for services of investor-owned electric utilities.

Companion Bill: HB1308

Chief Patron: Puckett

Summary:

Requires an investor-owned electric utility to suspend collection of interim rates during the pendency of the State Corporation Commission's consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility that are filed after January 1, 2010, the SCC's final order is required to be issued within nine months, and any resulting revision in rates shall take effect within 60 days after the order is entered. The provision will be in force from its passage. HB 1308 is identical.

Law Advice: FYI - No Direct Impact

Effective when approved by the Governor on February 24, 2010.

SB686 Uniform Environmental Covenants Act; established.

Chief Patron: Reynolds

Summary:

Authorizes the Department of Environmental Quality to enter into environmental covenants with interest holders in real property that restrict the use of the real property. The covenants are intended to survive transfers of ownership interests in the land or operations of law that may otherwise terminate the covenant. The bill spells out the recordation process and notice to subsequent holders of interest. Prior held interests are not affected by the covenant. The bill authorizes the Department of Environmental Quality to establish fees to be paid by the fee simple owner of the real estate subject to the covenant in order to fund the program.

Law Advice: FYI - No Direct Impact

SB706 Health insurance; coverage for mental health and substance abuse services.

Chief Patron: Houck

Summary:

Requires that group health insurance coverage issued to large employers provide mental health and substance use disorder benefits in parity with the medical and surgical benefits contained in the coverage, in accordance with the Mental Health Parity and Addiction Equity Act of 2008.

Law Advice: FYI - No Direct Impact

SB715 Civics education; teachers training to include local government and civics specific to State.

Chief Patron: Petersen

Summary:

Requires the Board of Education to promulgate regulations to require (i) all education preparation programs for teachers in history and social sciences, elementary education K-6, and middle education 6-8 to include local government and civics instruction specific to Virginia and (ii) any teacher seeking renewal of a license with an endorsement in history and social sciences, elementary education K-6, or middle education 6-8 to undertake study of the structures, function, and powers of state and local government of Virginia and the importance of citizen participation in the political process in state and local government of Virginia.

Law Advice: New Requirement

Regulations must be promulgated by the Board of Education by July 1, 2011.

SB731 Virginia Health Workforce Development Authority; created, report.

Companion Bill: HB1304

Chief Patron: Reynolds

Summary:

Creates the Virginia Health Workforce Development Authority to take over the duties of the Statewide Area Health Education Centers Program. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. Also exempts the Authority from the Virginia Personnel Act, the Virginia Public Procurement Act, and taxation. This bill is identical to HB 1304.

Law Advice: FYI - No Direct Impact

SB736 College Partnership Laboratory Schools; established.

Companion Bill: HB1389

Chief Patron: Newman

Summary:

Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license. This bill is identical to HB 1389.

Law Advice: New Authority

SB737 Charter schools, public; review & consideration of application by Board of Education & school board.

Companion Bill: HB1390

Chief Patron: Newman

Summary:

Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a determination as to whether the application meets approval criteria developed by the Board, prior to submission to the local school board. Also, the bill provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Law Advice: FYI - No Direct Impact

SB738 Virtual school programs; established.

Companion Bill: HB1388

Chief Patron: Newman

Summary:

Requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for approving and monitoring multi-division providers of online courses and virtual school programs. The bill also allows local school boards to enter into contracts with approved private or nonprofit organizations to provide such courses and programs; such contracts shall be exempt from the Virginia Public Procurement Act. Any multi-division online provider operating prior to the adoption of approval criteria by the Board may continue operating until such criteria are adopted. This bill is identical to HB 1388.

Law Advice: FYI - No Direct Impact

SJ32 Community colleges & higher educational institution, etc.; JLARC to study role of SOE in improving.

Chief Patron: McDougale

Summary:

Directs the Joint Legislative Audit and Review Commission to study the role of the Secretary of Education in improving coordination between K-12, community colleges, and four-year institutions of higher education. In conducting its study, JLARC shall (i) examine the statutory authority and duties of the Secretary of Education in overseeing education in the Commonwealth from K-12 through higher education, (ii) consider possible ways of expanding such authority or duties in order to better coordinate education at all levels throughout the Commonwealth, (iii) emphasize the need to better anticipate the workforce needs of the Commonwealth, and ways to direct students toward education and training that will fulfill those needs, and (iv) make recommendations as to how to accomplish these objectives legislatively or otherwise.

Law Advice: Monitor and Track

SJ191 Commending John Thomas Casteen III.

Companion Bill: HJ290

Chief Patron: Houck

Summary:

Commending John Thomas Casteen III.

Law Advice: FYI - No Direct Impact

SJ193 Commending Leonard W. Sandridge.

Companion Bill: HJ263

Chief Patron: Deeds

Summary:

Commending Leonard W. Sandridge.

Law Advice: FYI - No Direct Impact

SR10 Investment portfolio managed by Retirement System; Senate Committee on Finance to study.

Chief Patron: McEachin

Summary:

Directs the Senate Committee on Finance to study the investment portfolio managed by the Virginia Retirement System. In conducting its study, the committee shall examine how the Virginia Retirement System selects firms to manage its investment portfolio and determine if more minority-owned firms should be used to help the Virginia Retirement System manage its investment portfolio.

Law Advice: Monitor and Track